UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/559,844	04/26/2000	David A. Bishop	MFCP.69390	3019

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EXAMINER
CHOUDHARY, ANITA

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)
	09/559,844		BISHOP ET AL.
	Examiner		Art Unit
	Anita Choudhary		2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 December 2003*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14,23-34 and 37-39* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14,23-34 and 37-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

The amendment filed on December 5, 2005 under 37 CFR 1.312 has been entered.

Claims 1, 7-9, 23-25, 30, and 37 have been amended and are presented for further examination.

Claims 15, 35, and 36 have been cancelled. Claims 16-22 were previously withdrawn.

Claims 1-14, 23-34, and 37-39 are presented.

Response to Arguments

Applicant's arguments with respect to claims 1-14, 23-34, and 37-39 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1-4, 6-9, 12, 14, 23-25, 33-34 and 37 rejected under 35 U.S.C. 103(a) as being

unpatentable over Ote et al. (US 6,199,180) in view of Cromer et al (US 6,532,497).

In considering claim 1, Ote discloses a client computer (Fig. 1A, "10") for use in

connection with a client computer system and a remote management machine (Fig. 1B, "27"),

comprising:

a client processor operable to control the client computer, wherein the client computer is

monitored by the remote management machine over a first communication path (col. 2 lines 36-

42, Fig. 1A, "17"); and

a computing component having a remote management processor operable to selectively

control the client computer (Fig. 1A, "12"), independently of the client processor (column 3,

lines 1-3), in response to instructions from the remote management machine (column 3, lines 3-7

and column 14-16).

Although Ote shows substantial features of the claimed invention, Ote does not show

instructions received over a second distinct communication path from the remote management

machine. Nonetheless this feature is well known in the art, and would have been an obvious

modification to the system disclosed by Ote as evidenced by Cromer.

In an analogous art, Cromer shows a system for separately powered interface for

reporting activity status of computer even when client is off line thereby creating a separate

communications path between the client and remote system (col. 1 lines 55-65).

Given this feature, a person of ordinary skill in the art would have readily recognized the

desirability and advantages of modifying the system shown by Ote in order to provide a separate

path that can be used to wake up the client when the client is off line (see Cromer, col. 3 lines

22-23).

In considering claim 2, Ote further discloses a network component installed on the

computing component, facilitating communication with the remote management machine (Fig.

1A, "25").

In considering claim 3, Ote discloses wherein the client computer system includes two or more clients configured in a network environment (column 1, lines 10-15).

In considering claim 4, Ote discloses wherein the computing component network component (Fig. 1A, "25") and the client networked environment are separate (column 1, lines 10-13).

In referring to claim 5 and 36, Cromer shows a single broad computer (fig. 2).

In considering claim 6, Ote discloses wherein the client computer is a server computer (column 1, lines 12-15)

In considering claim 7 and 23, Ote discloses a computer-readable medium having computer-executable components, comprising:

a first communication component for communicating with and operable to selectively control a client (column 4, lines 65-67); and

a second communication component for communicating with a remote manager (column 5, lines 14-16).

Although Ote shows substantial features of the claimed invention, Ote does not show the second communication path being independent. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Ote as evidenced by Cromer.

In an analogous art, Cromer shows a system for separately powered interface for reporting activity status of computer even when client is off line thereby creating an independent communications path between the client and remote system (col. 1 lines 55-65).

Given this feature, a person of ordinary skill in the art would have readily recognized the

desirability and advantages of modifying the system shown by Ote in order to provide a separate

path that can be used to wake up the client when the client is off line (see Cromer, col. 3 lines

22-23).

In considering claim 8, Ote discloses wherein the client has an operating system (Fig. 1A,

"161"), and wherein the first communication component is operable to control the operating

system of the client (Fig. 1A, "17" and "161", Note the connection between components "17"

and "161").

In considering claim 9, Ote discloses wherein the client has hardware components

thereon (Fig. 1A) and wherein the first communication component is operable to control the

hardware components of the client (column 4, lines 65-67).

In considering claims 10 and 32, Ote discloses further comprising an interface component

for capturing and transferring client display information to the remote manager (column 8, lines

2-5).

In considering claim 11, Ote discloses wherein the display information is graphical

display information (column 8, lines 2-5).

In considering claim 12, Ote discloses wherein the first communication component

includes a client management component operable to request, collect (column 2, lines 67 –

column 3, line 1) and store client management data (column 7, line 36).

In considering claims 14 and 39, Ote discloses wherein the client management data

includes performance monitoring data (column 1, lines 10-12).

In considering claim 15, Ote discloses wherein the client is in a networked environment

and wherein the second communication component includes a network component operable to

communicate with the remote manager independently of the client networked environment (Fig.

1A, "25" and column 1, lines 10-13).

In considering claim 23, Ote discloses a method in a computer system for managing one

or more clients (column 1, lines 10-15) having a client processor (Fig. 1A, "17") and a

computing component installed on the client (Fig. 1A, "12"), the computing component being

operable to control the client and having a network component installed thereon, wherein the

computing component is independent of the client processor (column 3, lines 1-3), the method

comprising:

remotely controlling the client by communicating with the computing component through

the network component utilizing a remote manager (Fig. 1B, "27").

In considering claim 24, Ote discloses wherein two or more clients are configured in a

networked environment independent of the computing component network component for

creating the networked environment that is separate from the network component (Fig. 1A, "25"

and column 1, lines 10-13).

In considering claim 25, Ote discloses further comprising monitoring the one or more

clients for error conditions by collecting data via the computing component (column 2, lines 67 –

column 3, line 1).

In considering claim 33, Ote discloses a computer readable medium having computer

executable instructions for executing the steps recited in claim 23 (It is inherent that the

computer system would have computer executable instructions for carrying out the method

steps.).

In considering claim 34, Ote discloses having a processor, an operating system, and a

memory, the computer system operable to perform the steps in claim 23 (Fig. 1A).

In considering claim 35, Ote discloses a computing component for use in a client

computer, the client computer having a client processor, the computing component comprising:

a remote management processor, operable to selectively control the client computer (Fig.

1A, "12"), independently of the client processor (column 3, lines 1-3); and

a network component facilitating communication with the computing component (Fig.

1A, "25").

In considering claim 37, Ote discloses wherein remotely controlling the client includes

querying the computing component through the network component for data indicative of one or

more client properties (column 5, lines 33-39), and transmitting the indicative data from the

computing component through the network component (column 8, lines 2-3).

1.   Claims 13, 26-31, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ote in view of Cromer in further view of U.S. Patent No. 6,578, 077 to Rakoshitz et al.

(hereinafter "Rakoshitz").

In considering claims 13, 26 and 38, Ote and Cromer fail to disclose wherein the client

management data includes capacity planning data. Nonetheless, this feature is well known in the

art and would have been an obvious modification to the system disclosed by Ote and Cromer,

such as evidenced by Rakoshitz.

In an analogous art, Rakoshitz discloses a method and system for monitoring or profiling

quality of service within a network of computers, wherein the data collected includes capacity

planning data (column 9, lines 45-48). Given this teaching by Rakoshitz, a person having

ordinary skill in the art would have readily recognized the advantages and desirability of

modifying Ote in view of Cromer, by employing this well known feature in order to give a more

precise analysis of the functioning of the client computer.

In considering claim 27, Cromer discloses wherein the monitoring step includes

collecting performance monitoring data (column 3 line 53-59).

In considering claim 28, Cromer discloses storing the collected data on the computing

component (column 3, line 53-59, fig. 5).

In considering claim 29, Ote discloses transferring the stored data to the remote manager

utilizing the network component (column 8, lines 2-3).

In considering claim 30, Cromer discloses remotely rebooting the client from a remote

manager utilizing the computing component (column 3 lines 22-24).

In considering claim 31, Ote fails to disclose receiving, by the computing component

from the remote manager, software and storing the software on the computing component.

Nonetheless this feature is well known and a person of ordinary skill in the art would have

readily recognized the advantages and desirability of modifying Ote by employing this well

known feature in order to allow for different remote managers to be connected to the computing

component by sending the appropriate software to perform remote management.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC
February 20, 2004

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